

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Arnaldo Badillo,

Civ. No. 21-1631 (PAM/DTS)

Petitioner,

v.

ORDER

B. Birkholz, and Michael Carvajal,

Respondents.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz dated September 13, 2021. (Docket No. 6.) The R&R recommends dismissing this matter for failure to prosecute. See Fed. R. Civ. P. 41(b).

Petitioner did not file any objections to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 6) is **ADOPTED**; and
2. This matter is **DISMISSED** without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Tuesday, October 12, 2021

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge